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PTO-90C (Rev. 10/03)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/991,752
Filing Date: November 26, 2001
Appellant(s): BORG, MICHAEL J.

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Technology Center 2100

John S. Reid

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on August 22, 2006 appealing from the

Office action mailed on May 2, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,199,079	Gupta et al.	03-2001
5,826,258	Gupta et al.	10-1998
5,668,986	Nilsen et al.	09-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (hereafter "Gupta079") [U.S. Pat. No. 6199079] in view of Gupta et al. (hereafter "Gupta258") [U.S. Pat. No. 5826258].

Note that Gupta258 was incorporated into Gupta079 by referencing [see e.g., col.1, lines 31-45]. Both Gupta258 and Gupta079 were cited in the previous office action.

As to claims 1 and 11, Gupta079 teaches the invention substantially as claimed including: an automated data entry method comprising:

entering a user information at a first location [e.g., 312-316, Fig.3A (see also

col.6, lines 11-54 and col.7, lines 15-30; i.e., from the system's point of view, the "user

information" is the product requested by a user, and based on other information

explicitly or implicitly acquired from the user meta-database or other sources, the form

to be automatically filled includes at least the user's first name and last name, which is

an unique user identity];

searching a storage medium at said first location to determine an identity of a

user based on the entered information [e.g., 170, 180, Fig.1C ; 90, Fig. 1D; col.8, lines

56-67; see also col.7, lines 34-63 and Figs 2A and 2B]; and

retrieving additional information pertaining to the user from the storage medium

at the first or second locations based on the determined identity [col.2, lines 15-30 and

50-59; note that a user identity such as his/her last name and first name is retrieved

from the user meta database [col.8, lines 15-20], along with additional information such

as address and telephone number etc. in view of the required information for shipping a

product (see Fig.2a) or establishing a transaction (see Fig.2b)].

Gupta079 teaches, through incorporation by references of Gupta258, a

technique of forming virtual database by expanding a local database to a plurality of

remote databases via respective wrappers such that a database query may be effected

to searching the associated physical databases [Gupta079: col.2 lines 15-30 and

Gupta258: col.9, lines 5-23]. Both Gupta079 and Gupta258 further use the examples of

integrating multiple vendors' merchandise to illustrate the usefulness of the wrappers

[Gupta079: 139-160, Fig.1C; Gupta258: Figs. 10-11].

Gupta079 does not explicitly teach including user meta-database (of Fig. 1C) in

the virtual database. In other words, Gupta079 does not specifically teach the aspect of

finding a user's information by including the range of search from a local user meta-

database (i.e., a storage medium at a first location) to a wrapper-associated remote

user database (i.e., a storage medium at the second location), if the former does not

contain the desired user identity information.

However, Gupta258 teaches a procedure of gradually forming/expanding a local

relational database by caching/storing information captured from the remote sources

[col.8 line 66 – col.9 line 4 and Figs. 10-11]. Furthermore, it is obvious that it takes time

to build Gupta079's local user meta-database (170, Fig.1C) if it starts from the scratch

because the user information has to be acquired into the local database before the

auto-filling function can be activated, and with this mode it would require a user to pre-

register with the site (by manually filling out user information).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to recognize the fact that Gupta258's teaching is readily applicable

to avoid the prolonged process (from building a user meta-database from the scratch)

by seamlessly integrating all the wrapper-associated vendors' user databases because,

by doing so, all the existing users are ready to enjoy the convenience of Gupta079's

auto-filling technique.

As to claim 2, Gupta teaches that the method further comprising: establishing communication from the first location to the second location by a programmable software application at the first location [e.g., col.3, line 65 – col.4, line 14].

As to claim 3, Gupta further teaches that said software application is a browser plug-in module [col.4, line 1-2; col.6, lines 11-27; wherein Java can be implemented as a browser plug-in module].

As to claims 4-7, Gupta further teaches that the first and second locations are connected to a network, such as the Internet [col.4, lines 19-29], wherein the first and second locations are websites, each associated with a vender [Fig.1C].

As to claims 8-9, Gupta further teaches that the retrieved additional information is presented to the user for verifying accuracy of said information [e.g., 344-348, Fig. 3C; Figs. 2A-2D; col.8, lines 8-12; note that by default a user would check the correctness of the automatically filled information before he/she confirms it].

As to claim 10, Gupta further teaches that the user selects portions of the additional information for transmission [322-328, Fig.3B; i.e., the user may choose only a portion of presented products (which is additional information in response to the user's initially entered item) are selected for purchase].

As to claims 12-18, since the features of these claims can also be found in claims 1-11, they are rejected for the same reasons set forth in the rejection of claims 1-11 above.

As to claim 19, Gupta further teaches that a user selection is displayed to the user [324, Fig.3B].

As to claim 20, Gupta further teaches that the user is prompted to enter information for shipping and billing purposes [e.g., 203, Fig.2B].

(10) Response to Argument

As to claim 1 and its dependent claims: Applicant argues that (1) none of the means or methods taught by Gupta079 and Gupta258 are directed to determining an identity of a user because "Gupta079 is completely lacking of any teachings or suggestions directed to *determining a user's identity* in any way or for any reason" and "Gupta258 is completely missing any of the terms "user identity", "identity of a user", "determining an identity of a user", or any of their respective equivalents"; and (2) combination of the teachings of Gupta079 and Gupta258 would not yield the limitations of claim 1, which would require searching customer data from a second location when it fails to obtain the same from a first location, because "such customer data is typically closely guarded by way of firewall protection schemes and the like".

Applicant's argument is not deemed to be persuasive.

As to point (1): Gupta079 explicitly teaches using user entered product selection (which is a piece of user information from the system's point of view) as a starting point for automatic filling (see 316, Fig. 3A and 325-326, Fig. 3B). The system searches through a user meta-database and selection database for forms and associated values that need to be filled out [col.6, lines 11-55]. Gupta079's intention of automating the form-filling process is clearly stated throughout the entire specification and can be traced starting col.2 lines 39-64 and col. 3 lines 10-20. Exemplified forms such as Figs. 2A-2B list various user identities such as name, phone number, email address. These passages and other relevant citations had been repeatedly presented to Applicant and it is not clear why Applicant kept arguing that neither Gupta079 or Gupta258 discloses the "user information" and "user identities". To make it straightforward, Applicant is directed to a passage at col.6 lines 52-54, wherein, among other things, the system uses relationship 90 to determine a user ID based on a form ID and a plurality of property-value tuples, wherein the "user ID" is a short note for "user identity" and the form ID is derived from a user's product selection. Even though Gupta079 does not teach the relationship between "the user information" (i.e., the user's product selection) and "the user identity" in every details or how the property-value tuples are constructed (note that neither Applicant does so in the claimed languages), there should be no doubt in the fact that Gupta079 teaches at least this part of the claimed limitations: "entering a user information at a first location; searching a storage medium at said first location to determine an identity of a user based on the entered information."

As to point (2): Gupta079 and Gupta258's wrapper program, being capable of integrating a local database with a plurality of remote vendor's database, is applicable to any form of databases including those containing user information [e.g., Gupta079: col.2, lines 15-30, 50-59 and col.9, lines 43-54]. Gupta258 further teaches a procedure of gradually migrating information captured from the remote sources to a local relational database by caching/storing information to a local relational database [col.8 line 66 – col.9 line 4 and Figs. 10-11]. This teaching motivates an ordinary skill in the art to implement Gupta079's user meta-database as a virtual database by incorporating the vendors' existing databases, rather than starting anew by requiring each user to pre-register at least once before the automatic filling function can be applied, because the virtual user database allows the vendors' existing customers to use the automatic filling function right away.

As for the concern that the vendors' customer data may be protected from being accessed by a third party: this is true only for competing businesses. There are plenty of other business models such as chained stores owned by a same owner or aligned non-competing companies that may be directly benefited from Gupta079 and Gupta258's wrapper programs.

As to claim 12-20, Applicant's arguments are similar to those presented for claims 1-11. Since the features of these claims can also be found in claims 1-11 and Gupta079's and Gupta258's wrapper programs are also directed to web applications,

the reasons and responses set forth to the rejection of claims 1-11 also applicable to

claims 12-20.

It is noted that claims 1-20 are rejected under U.S.C. 103(a) because the

examiner does not rely on Gupta079 and Gupta258 for teaching every detail of the

claimed features (otherwise it would have been a 102(b) rejection due to the fact that

Gupta258 was being incorporated by reference to Gupta079 and that a generalized

virtual database already has the capability of searching customer information from both

the local and remote physical databases that are incorporated into the virtual database).

It only takes an ordinary skilled artisan to recognize the fact that Gupta079's user meta-

database [170, Fig. 1C] can be implemented as a virtual database and receive the

tremendous benefit of making Gupta079's automatic form-filling function available to the

associated vendors' existing customers. Furthermore, Applicant is reminded that the

first and second locations in claim 1 could have been broadly interpreted as two

separate disk drives or a pair of primary-secondary storages running under a same

computer. Under such circumstances, a conventional search tool such as Google's or

Window's desktop search tool would read on the claim. Applicant is also reminded that

in a prior non-final office action, Nilsen [U.S. Pat. No. 5,668,986] was cited for the

teachings of distributed database, wherein a query is normally applied to a plurality of

disjoint or not totally overlapped databases. Thus, it is submitted that searching a first

location followed by searching a second location to find a user identity would not make

the application patentable over Gupta079 (even "IF" Gupta079 does not incorporate
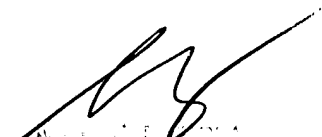
Gupta258 for building a virtual database) because searching/querying a plurality of

storage locations has been a well-known practice, as evidenced by Nilsen and the

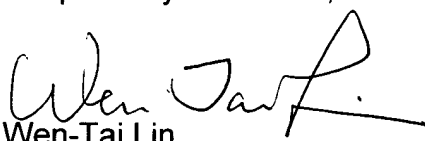aforementioned desktop search tools.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

SUPERVISORY EXAMINER
TECHNOLOGY

Respectfully submitted,

Wen-Tai Lin   10/30/06

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